{deleted text} shows text that was in HB0216 but was deleted in HB0216S01.

inserted text shows text that was not in HB0216 but was inserted into HB0216S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Karianne Lisonbee proposes the following substitute bill:

FIREARMS AMENDMENTS

2021 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill concerns {applications for and } the carrying of concealed weapons by provisional permit holders.

Highlighted Provisions:

This bill:

- For a concealed carry permit that becomes valid at age 21;
 - clarifies requirements for renewal permits;
- clarifies the law regarding the ability of provisional permit holders to carry concealed weapons on certain school premises; and
 - makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

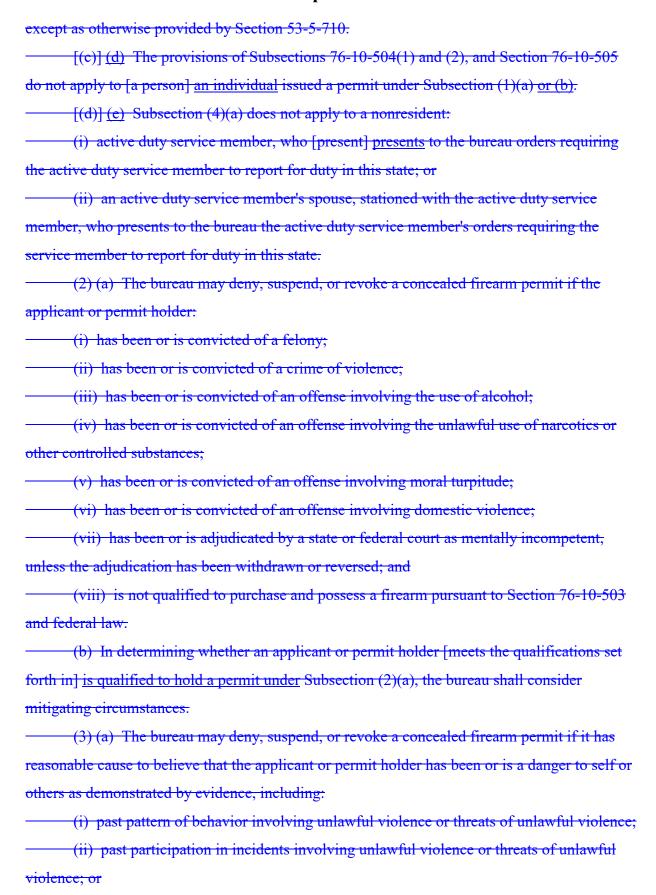
- 53-5-704, as last amended by Laws of Utah 2013, Chapter 280
- **53-5-710**, as last amended by Laws of Utah 2017, Chapter 286

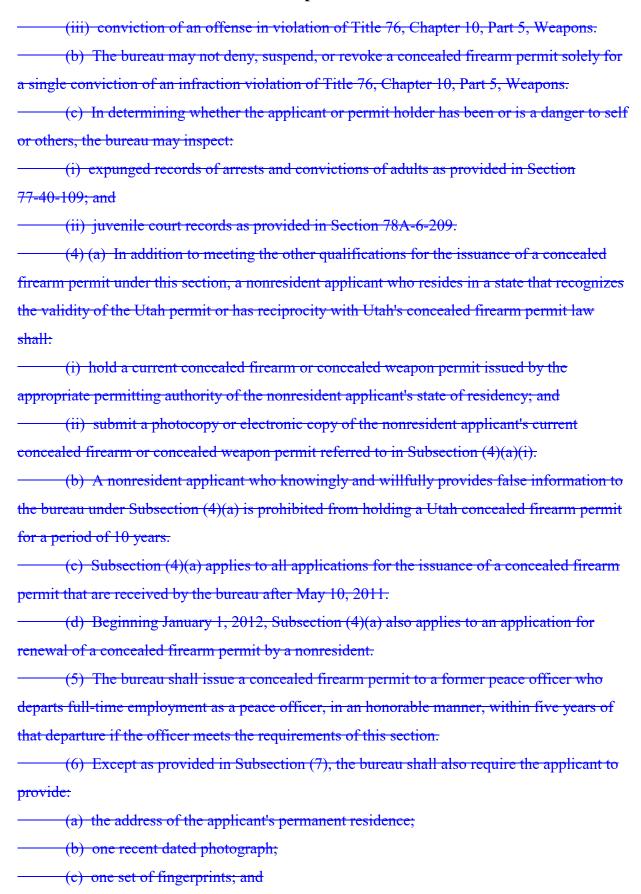
76-10-505.5, as last amended by Laws of Utah 2013, Chapter 301

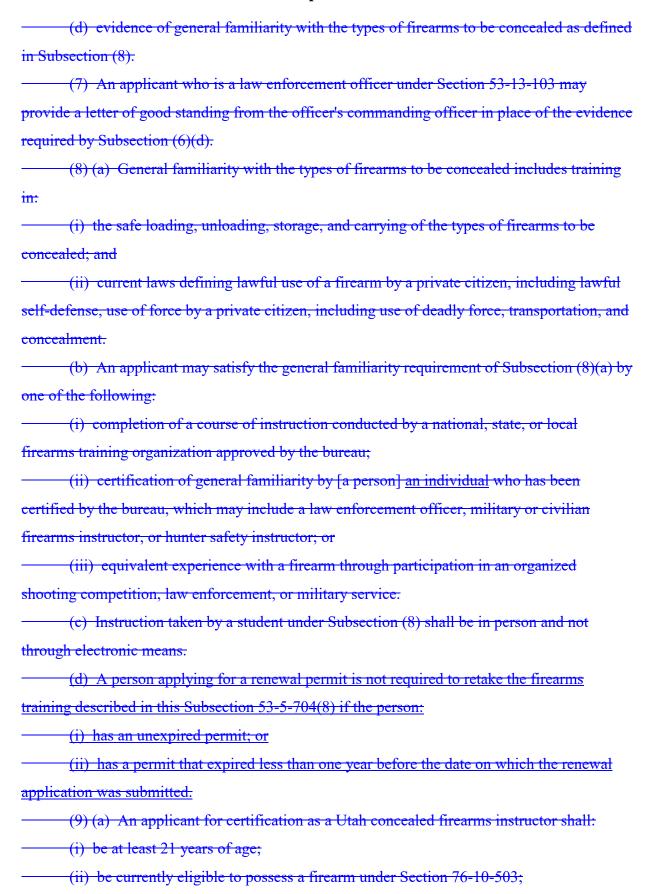
Be it enacted by the Legislature of the state of Utah:

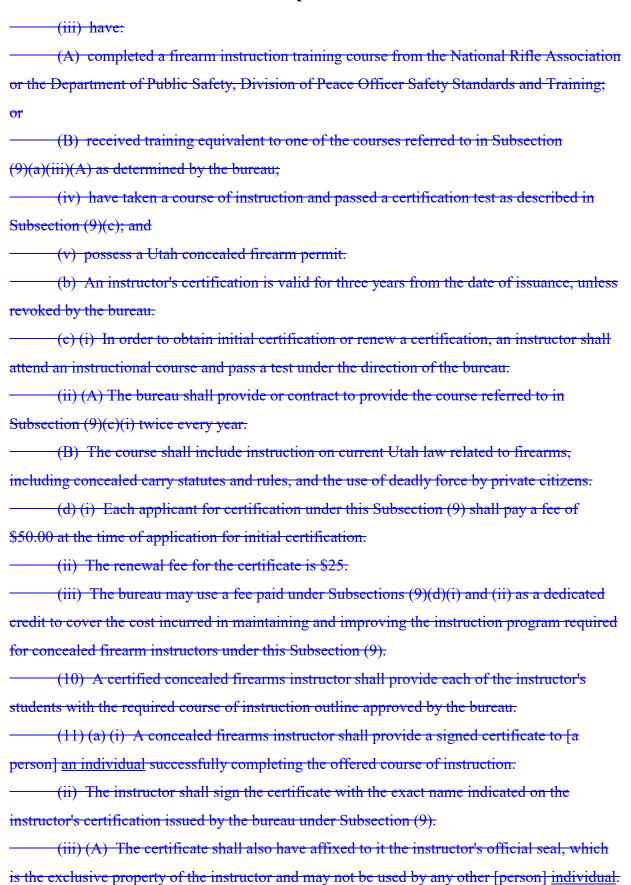
Section 1. Section $\frac{53-5-704}{53-5-710}$ is amended to read:

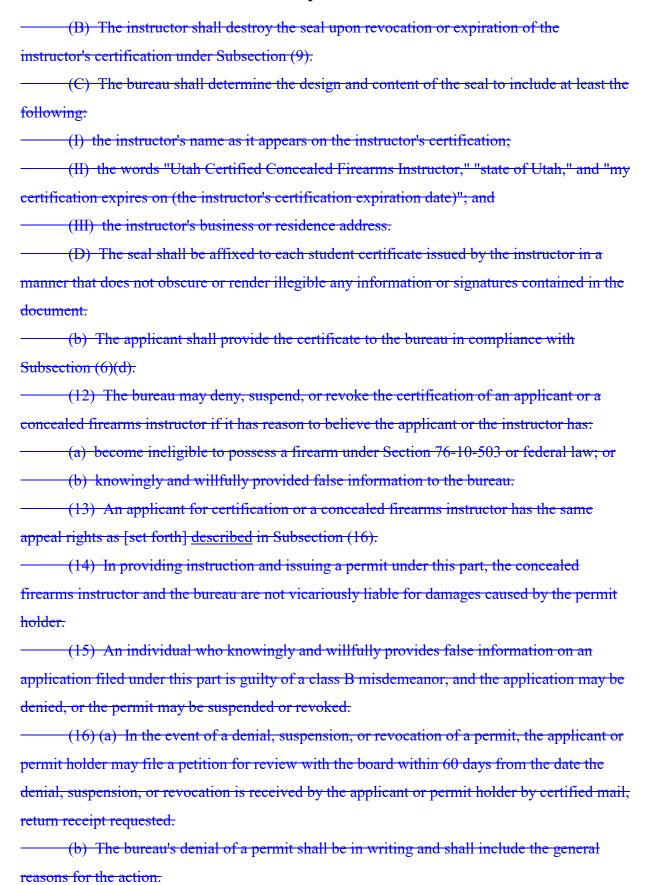
- 53-5-704. Bureau duties -- Permit to carry concealed firearm -- Certification for concealed firearms instructor -- Requirements for issuance -- Violation -- Denial, suspension, or revocation -- Appeal procedure.
- (1) (a) [The] Except as provided in Subsection (1)(b), the bureau shall issue a permit to carry a concealed firearm for lawful self defense to an applicant who is 21 years [of age] old or older within 60 days after receiving an application, unless the bureau finds proof that the applicant [does not meet the qualifications set forth in] is not qualified to hold a permit under Subsection (2) or (3).
- (b) (i) Within 90 days before the day on which a provisional permit holder under Section 53-5-704.5 reaches 21 years old, the provisional permit holder may apply under this section for a permit to carry a concealed firearm for lawful self defense.
- (ii) The bureau shall issue a permit for an applicant under Subsection (1)(b)(i) within 60 days after receiving an application, unless the bureau finds proof that the applicant is not qualified to hold a permit under Subsection (2) or (3).
- (iii) A permit issued under this Subsection (1)(b):
- (A) is not valid until an applicant is 21 years old; and
- (B) requires a \$10 application fee.
- (iv) A person who applies for a permit under this Subsection (1)(b) is not required to retake the firearms training described in Subsection 53-5-704(8).
 - [(b)] (c) The permit is valid throughout the state for five years, without restriction,











- (c) If an applicant or permit holder appeals the denial to the review board, the applicant or permit holder may have access to the evidence upon which the denial is based in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.
- (d) On appeal to the board, the bureau has the burden of proof by a preponderance of the evidence.
- (e) (i) Upon a ruling by the board on the appeal of a denial, the board shall issue a final order within 30 days stating the board's decision.
 - (ii) The final order shall be in the form prescribed by Subsection 63G-4-203(1)(i).
- (iii) The final order is final bureau action for purposes of judicial review under Section 63G-4-402.
- (17) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to administer this chapter.
 - Section 2. Section 53-5-710 is amended to read:
- 53-5-710. Cross-references to concealed firearm permit restrictions.
- (1) A person with a permit of any kind to carry a concealed firearm may not carry a concealed firearm in the following locations:
- (a) any secure area prescribed in Section 76-10-523.5 in which firearms are prohibited and notice of the prohibition posted;
 - (b) any airport secure area as provided in Section 76-10-529; or
- (c) any house of worship or in any private residence where dangerous weapons are prohibited as provided in Section 76-10-530.
- (2) Notwithstanding Subsection 76-10-505.5[(2)](4), a person under the age of 21 with a permit of any kind to carry a concealed firearm may not carry a concealed firearm on or about school premises, as defined in Subsection 76-10-505.5(1)(a).

Section $\frac{3}{2}$. Section 76-10-505.5 is amended to read:

76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises -- Penalties.

- (1) As used in this section, "on or about school premises" means:
- (a) (i) in a public or private elementary or secondary school; or
- (ii) on the grounds of any of those schools;
- (b) (i) in a public or private institution of higher education; or

- (ii) on the grounds of a public or private institution of higher education; [and] or
- [(iii) (A)] (c) (i) inside the building where a preschool or child care is being held, if the entire building is being used for the operation of the preschool or child care; or
- [(B)] (ii) if only a portion of a building is being used to operate a preschool or child care, in that room or rooms where the preschool or child care operation is being held.
- (2) A person may not possess any dangerous weapon, firearm, or short barreled shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in this section.
- (3) (a) Possession of a dangerous weapon on or about school premises is a class B misdemeanor.
- (b) Possession of a firearm or short barreled shotgun on or about school premises is a class A misdemeanor.
 - (4) This section does not apply if:
- (a) the person is authorized to possess a firearm as provided under Section 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;
- (b) the person is authorized to possess a firearm as provided under Section 53-5-704.5, unless the person is in a location where the person is prohibited from carrying a firearm under Subsection 53-5-710(2);
 - [(b)] (c) the possession is approved by the responsible school administrator;
- [(c)] (d) the item is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use; or
 - [(d)] (e) the possession is:
 - (i) at the person's place of residence or on the person's property; or
- (ii) in any vehicle lawfully under the person's control, other than a vehicle owned by the school or used by the school to transport students.
- (5) This section does not prohibit prosecution of a more serious weapons offense that may occur on or about school premises.